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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KENNETH A. ELAN, individually and on behalf of all others similarly situated,

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 8/19/08

# NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE THAT, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiff Kenneth A. Elan hereby dismisses all claims asserted individually in this action with prejudice and dismisses all remaining claims without prejudice.

Dated: August 15, 2008

RABIN & PECKEL LLP

By: \_\_\_\_\_ /s/  
Joseph V. McBride (JM-3550)  
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*Attorneys for Plaintiff*

*[Signature]*  
9/18/08

**CERTIFICATE OF SERVICE**

I, JOSEPH V. MCBRIDE, do hereby certify, under penalty of perjury, that:

On August 15, 2008, I caused a true and correct copy of the foregoing NOTICE OF VOLUNTARY DISMISSAL, to be served by priority mail, postage prepaid, on the following:

Lisa M. Simonetti, Esq.  
STROOCK & STROOCK & LAVAN LLP  
2029 Century Park East, Suite 2029  
Los Angeles, CA 90067

*Attorneys for Defendant Citibank, N.A.*

\_\_\_\_\_/s/\_\_\_\_\_  
Joseph V. McBride